IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

LA.App..No. 32 of 2002(C)

LAR.497/1997 of PRL.SUB COURT, KOZHIKODE
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APPELLANT: /RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

RESPONDENT: /CLAIMANT:

T.SASIPRABHA, VAISAG, P.O.NELLICODE,
KOZHIKODE.

BY ADV. SRI.SUNNY MATHEW

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.32 of 2002

Dated: September 12, 2007

JUDGMENT

Kurian Joseph, J.

This appeal is filed against the judgment and decree in L.A.R.No.497/1997 on the file of the Sub Court, Kozhikode. The Reference Court relied on the judgment and decree in L.A.R.No.367/1997 and connected case. It is brought to our notice that the said judgment has become final in view of the judgment in L.A.A..No.1393/2000. However, the Reference Court has committed a mistake in granting 12% additional compensation under sec.23(1)(A) of the Land Acquisition Act. The earlier date being the date of taking possession viz. 7.6.1994, the benefit has to be limited till that period.

The appeal is partly allowed. We modify the the judgment and decree in the matter of grant of sec.23(1)(A) benefit and hold that the benefit shall be limited to the date of taking possession viz. 7.6.1994.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE.

mt/-

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.32 OF 2002

JUDGMENT

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12.9.2007